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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC**
11 **TECHNICIANS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. VN-2007-816

14 **SURINDER PAL KAUR RAI**
1271 Washington Ave. #328
15 San Leandro, California 94577

A C C U S A T I O N

16 Vocational Nurse License No. VN 166323

Respondent.

17 Complainant alleges:

18
19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

23 2. On or about February 10, 1994, the Bureau of Vocational Nursing and
24 Psychiatric Technicians issued Vocational Nurse License Number VN 166323 to Surinder Pal
25 Kaur Rai (Respondent). The Vocational Nurse License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on November 30, 2009, unless renewed.

27 3. On or about August 31, 1987, the Board of Registered Nursing issued
28 Registered Nurse License Number RN 415461 to Respondent. The Registered Nurse License

1 was revoked by an Order effective May 22, 2008.

3 JURISDICTION

4 4. This Accusation is brought before the Director of Consumer Affairs
5 (Director) for the Bureau of Vocational Nursing and Psychiatric Technicians, under the authority
6 of the following laws. All section references are to the Business and Professions Code ("Code")
7 unless otherwise indicated.

9 STATUTORY PROVISIONS

10 5. **Section 2875** of the Code provides, in pertinent part, that the Bureau may
11 discipline the holder of a vocational nurse license for any reason provided in Article 3
12 (commencing with section 2875) of the Vocational Nursing Practice Act.

13 6. **Section 118(b)** of the Code provides, in pertinent part, that the expiration
14 of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action
15 during the period within which the license may be renewed, restored, reissued or reinstated.
16 Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within
17 four years after the expiration.

18 7. **Section 2878** of the Code states:

19 "The [Bureau] may suspend or revoke a license issued under this chapter [the
20 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

21 "(a) Unprofessional conduct. . ."

22 . . .

23 8. **Section 2878.8** of the Code states:

24 "The [Bureau] may deny any application or may suspend or revoke any license
25 issued under this chapter [the Vocational Nursing Practice Act] based upon the denial of
26 licensure, suspension, restriction, or other disciplinary action of a license by another state, any
27 other government agency, or by another California health care professional licensing board. A
28 certified copy of the finding shall be conclusive evidence of that action provided that, if from

1 another state, the findings establish an act which if committed in California would be grounds for
2 discipline.”

3 4 COSTS

5 9. Section 125.3 of the Code provides, in pertinent part, that the Bureau may
6 request the administrative law judge to direct a licentiate found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 10 FACTUAL ALLEGATIONS

11 10. In a disciplinary action entitled *In the Matter of the Petition to Revoke*
12 *Probation against Surinder Pai Kaur Rai*, Board of Registered Nursing Case No 2005-215, the
13 Board of Registered Nursing issued an order, effective May 22, 2008, by which Respondent's
14 Registered Nurse License #RN 415461 was revoked. The circumstances leading to the revocation
15 of Respondent's Registered Nurse License RN 415461 are as follows:

16 a. On or about June 13, 2005, the Board of Registered Nursing filed a
17 disciplinary action entitled *In the Matter of the Accusation Against Surinder Pai Kaur Rai*, Board
18 of Registered Nursing Case No 2005-215. The Accusation alleged one cause for discipline:
19 Gross Negligence.

20 c. On or about February 6, 2006, *In the Matter of the Accusation*
21 *Against Surinder Pai Kaur Rai*, Board of Registered Nursing Case No 2005-215, went to hearing
22 at the Office of Administrative Hearings. In a Proposed Decision issued on or about February 15,
23 2006, Administrative Law Judge, Michael Cohn, found that Respondent's Registered Nurse
24 license was subject to discipline because respondent had committed acts of gross negligence in
25 violation of Business and Professions section 2761(a)(1).

26 d. In an Order, effective May 10, 2006, The Board of Registered
27 Nursing adopted the Administrative Law Judge's proposed decision and revoked Respondent's
28 Registered Nurse License No. RN 415461. However, the revocation was stayed and Respondent

1 was placed on three years probation subject to certain terms and conditions.

2 e. On or about September 5, 2007, the Board of Registered Nursing
3 filed a disciplinary action entitled *In the Matter of the Petition to Revoke Probation Against*
4 *Surinder Pai Kaur Rai*, Board of Registered Nursing Case No 2005-215. In a Default Decision
5 and Order, effective May 22, 2008, The Board of Registered Nursing found that Respondent
6 violated the terms of probation. The Board of Registered Nursing revoked the probation that was
7 previously granted in case No. 2005-215, thereby revoking Respondent's Registered Nurse
8 License No. RN415461.

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10 **FIRST CAUSE FOR DISCIPLINE**

11 (Discipline By Board of Registered Nursing)

12 11. Respondent is subject to disciplinary action under Section 2878.8 in that
13 Respondent's Registered Nurse license was disciplined by the Board of Registered Nursing, a
14 California health care professional licensing board. The circumstances are described in paragraph
15 10, above.

16
17 **SECOND CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct)

19 12. Respondent is subject to disciplinary action under Section 2878(a) in that
20 Respondent was involved in unprofessional conduct. The circumstances are described in
21 paragraph 10, above.

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23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

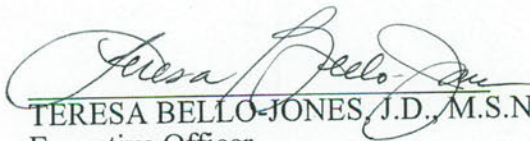
26 1. Revoking or suspending Vocational Nurse License Number VN 166323,
27 issued to Surinder Pal Kaur Rai;

28 2. Ordering Surinder Pai Kaur Rai to pay the Bureau of Vocational Nursing

1 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
2 case, pursuant to Business and Professions Code section 125.3;

3 3. Taking such other and further action as is deemed necessary and proper.

4
5 DATED: September 2, 2008

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8 TERESA BELLO-JONES, J.D., M.S.N., R.N.

9 Executive Officer

10 Bureau of Vocational Nursing and Psychiatric Technicians

11 Department of Consumer Affairs

12 State of California

13 Complainant
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